

EXHIBIT K

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

*Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, California 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008*

*780 Third Avenue, 48th Floor
New York, New York 10017-2024
Telephone: (212) 355-9500
Facsimile: (212) 355-9592*

*175 Federal Street, 7th Floor
Boston, Massachusetts 02110-2221
Telephone: (617) 720-5000
Facsimile: (617) 720-5015*

*1100 New York Ave., N.W.
Suite 1080 - West Tower
Washington, DC 20005-3934
Telephone: (202) 582-1000
Facsimile: (202) 582-1500*

*3319 West End Avenue, Suite 600
Nashville, Tennessee 37203-1074
Telephone: (615) 313-9000
Facsimile: (615) 313-9965*

*E-mail: mail@lchb.com
Website: www.lieffcabraser.com*

FIRM PROFILE: *Lieff Cabraser Heimann & Bernstein, LLP, is a fifty-five attorney firm founded in 1972 with offices in San Francisco, New York, Boston, Washington DC and Nashville. For the past 28 years Lieff Cabraser has concentrated its practice in the field of complex civil litigation, representing plaintiffs in securities and investment fraud, products liability, tort, consumer, antitrust, environmental, and employment cases throughout the United States. The firm has tried and/or settled over 200 class actions. Lieff Cabraser has served as court-appointed Plaintiff Lead or Class Counsel in state and federal coordinated, multi-district, and complex litigation in Alabama, Alaska, Arizona, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Massachusetts, Minnesota, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.*

The recent experience of Lieff Cabraser in the consumer, antitrust, product liability, securities fraud, mass tort, employment and related fields includes the following:

A. *Securities Cases*

1. ***In re Network Associates, Inc. Securities Litigation***, No. C-99-01729 WHA (N.D. Cal.). Lieff Cabraser was appointed by the Court, following a competitive bidding process, as lead counsel for the lead plaintiff and the proposed class of investors. On May 21, 2001, the Court approved a \$30 million settlement.
2. ***Informix/Illustra Securities Litigation***, Master File No. C-97-1289-CRB (N.D. Cal.). On March 19, 1998, a class action suit was commenced in the United States District Court for the Northern District of California on behalf of all former securities holders of Illustra Information Technologies, Inc. ("Illustra") who tendered their Illustra preferred or common stock, stock warrants or stock options ("Illustra securities") in exchange for securities of Informix Corporation ("Informix"), on or about February 16, 1996, in connection with an acquisition by Informix of Illustra (the "Illustra/Informix Transaction"). Lieff Cabraser represented Illustra's former Chief Executive Officer and President, and a class

of Illustra shareholders. The complaint alleged claims for common law fraud and violations of Federal securities arising out of the Illustra/Informix Transaction. Pursuant to the Illustra/Informix Transaction, the Illustra stockholders received Informix securities representing approximately 10% of the combined company. On October 29, 1999, Judge Breyer approved a global settlement of the litigation for \$136,500,000. The Illustra shareholders will receive approximately 30% of the net settlement fund.

3. ***In re FPI/Agretech Securities Litigation***, MDL No. 763 (D. Hawaii, Real, J.). Lieff Cabraser served as Court-appointed Lead Class Counsel for certification of multiple classes on voluntary or mandatory basis, court approval of \$15-plus million in partial settlements, and a class action jury trial against non-settling defendants yielding \$25-plus million verdict (including \$10 million in punitive damages) plus costs, interest, and attorneys' fees against non-settling defendant Arthur Young & Co. on securities and tort claims arising from defendants' involvement in fraudulent limited partnership investment scheme. Lieff Cabraser Partner Richard M. Heimann served as Lead Trial Counsel for the Class. On appeal, the compensatory damages judgment was affirmed and the case remanded for retrial on punitive damages. In December 1994, the Court approved a \$17 million class settlement with Ernst & Young.
4. ***In re Media Vision Technology Securities Litigation***, C-94-1015-FMS (N.D. Cal.) Lieff Cabraser serves as Co-Lead Counsel. To date, Lieff Cabraser has obtained partial settlements totaling \$28.15 million. The case is ongoing against the Company's former Chairman and its former Chief Financial Officer.
5. ***In re California Micro Devices Securities Litigation***, No. C94-2817-VRW. Lieff Cabraser has served as liaison counsel for the Public Employees Retirement Association of Colorado, the California State Teachers Retirement System and the class they represent. To date, the Court has approved settlements with a value totalling \$19 million. Case is still pending.
6. ***Nguyen v. FundAmerica***, Civ. No. C-90-2090 MHP (N.D. Cal., Patel, J.), 1990 Fed. Sec. L. Rep. (CCH) ¶¶ 95,497, 95,498 (N.D. Cal. 1990). Lieff Cabraser served as Court-appointed Plaintiff Class Counsel in this securities/RICO/tort action seeking injunction of unfair "pyramid" marketing practices and compensation to participants. Nationwide class certified for injunctive relief and damages on 23(b)(1)/(b)(2) mandatory basis; fraudulent overseas transfers enjoined; bankruptcy court allows class proof of claim and Lieff Cabraser obtained dual district/bankruptcy court approval of settlements distributing over \$13 million in FundAmerica assets to class members.
7. ***Arata v. Nu Skin International***, Civ. No. C-91-2811 FMS (N.D. Cal., Smith, J.). Lieff Cabraser served as Class Counsel for 23(b)(1) equitable relief mandatory class certified to effectuate open-ended 90% refund program to benefit 839,000 "distributors" of Nu Skin International. Over \$16 million was recovered by Nu Skin distributors in the Court-approved settlement of this hybrid securities/consumer class action.

8. ***In re First Capital Investment Product Litigation***, MDL No. 901 (C.D. Cal.) (lead counsel for policyholder plaintiff class). A policyholder settlement generated over \$1 billion in restored life insurance policies approved by the federal and state courts in parallel proceedings and affirmed by the Ninth Circuit on appeal.
9. ***In re Precious Metals Dealers/Safrabank Securities Litigation***, MDL No. 904 (C.D. Cal.) (lead) (\$10 million settlement).
10. ***In re Scorpion Technologies, Inc. Securities Litigation***, Civ. No. C-93-20333-JW (N.D. Cal.) (co-lead).
11. ***In re Technical Equities Federal Securities Litigation***, Civ. No. C-86-20157(A)WAI (N.D. Cal.) (co-lead). Over \$14 million in settlements.

B. **Tobacco Litigation**

Lieff Cabraser represents several states' attorneys general and 21 cities and counties in California, including the City and County of San Francisco and the City of Los Angeles, in suits to recover the public costs of treating smoking-related diseases from the tobacco industry. The lawsuits are part of the \$206 billion settlement announced in November 1998 between the tobacco industry and the states' attorneys general.

Lieff Cabraser also currently represents a proposed nationwide class of smokers who have suffered diseases related to smoking in an action pending in federal court in the Eastern District of New York. Lieff Cabraser has been instrumental in other litigation against the tobacco industry in recent years, and played a key role in the ground-breaking settlement with Liggett in March 1996.

C. **Holocaust Related Litigation**

Lieff Cabraser is prosecuting claims by Holocaust survivors and the heirs of Holocaust survivors and victims against banks and private manufacturers and other corporations who enslaved and/or looted the assets of Jews and other minority groups persecuted by the Nazi Regime during the Second World War era. We serve as Settlement Class Counsel in the case against the Swiss banks that recently settled for \$1.25 billion.

Lieff Cabraser is prosecuting claims in three related litigation actions against the German, Austrian and French banks who confiscated and converted bank account assets and laundered other assets looted by the Nazi Regime and its allies during the Second World War, or the successors to those banks. Lieff Cabraser also represents persons who were forced to perform labor for a number of German and Austrian private manufacturers and other corporations during the Second World War. On December 17, 1999, the parties announced an agreement to resolve Holocaust-era claims against German entities for 10 billion DM (approx. \$5.2 billion U.S.), an accord which was finalized through the establishment of the German Foundation in mid-2000.

D. **Fen/Phen Diet Drugs Litigation**

Lieff Cabraser represents persons nationwide who have ingested the allegedly defective diet drugs fenfluramine (PONDIMIN) and/or dexfenfluramine (REDUX), either individually or in combination with phentermine (sold under many different names). We have brought class action claims

seeking medical monitoring relief for all persons who ingested these products, and individual lawsuits for persons with serious heart and lung injuries.

Lieff Cabraser serves on Plaintiffs' Management Committee ("PMC") in *In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation*, MDL No. 1203 (E.D. Pa.) which organizes and directs the fen/phen diet drugs litigation filed across the nation in federal courts. Lieff Cabraser also serves on the Plaintiffs' Executive Committee in the California Coordinated Proceedings in California state court, as Washington State class counsel, and represents fen/phen victims in individual lawsuits pending in a number of other states throughout the nation. In August 2000 the MDL court approved the PMC's proposed \$4.75 billion class action settlement in which victims may elect to participate.

E. *Handgun Violence Litigation*

Lieff Cabraser is at the forefront of national litigation against handgun violence. The firm represents the cities of Boston, Massachusetts, Camden, New Jersey and twelve cities and counties in California, including San Francisco and Los Angeles. In addition, the firm has a leadership role in the nationwide litigation Lieff Cabraser represents more cities and counties than any other firm or group of firms working together.

Lieff Cabraser's cases allege: (1) gun manufacturers sell handguns through a distribution system that supplies weapons to criminals and juveniles; (2) the gun industry has facilitated the development of an underground market in which lethal weapons are routinely sold to individuals who cannot legally purchase firearms; (3) such conduct constitutes a public nuisance; and (4) gun manufacturers have failed to incorporate appropriate and available safety mechanisms on their guns.

F. *Inferior Auto Parts Litigation*

In *Avery v. State Farm*, Lieff Cabraser, along with co-counsel, have challenged State Farm's practice of specifying non-original-equipment manufacturer (non-OEM) imitation "crash" parts on repair estimates for millions of its insureds' vehicles.

Plaintiffs alleged that the crash parts at issue in this suit, which are not manufactured or approved by the manufacturer of the vehicle, are inferior to OEM parts. Plaintiffs contend that by requiring the use of these crash parts on repair estimates, State Farm breached its obligations to restore its policyholders' vehicles to their "pre-loss condition" or to use "parts of like kind and quality," and violated the provisions of the Illinois Consumer Fraud Act. Review of this order was denied by both the Illinois and United States Supreme courts.

Trial in the case commenced on August 10, 1999. On October 4, 1999, the jury awarded \$456 million in compensatory damages to plaintiffs for their breach of contract claim. On October 8, 1999, the Court agreed that State Farm had breached its contract and found that State Farm's practice of using imitation parts and claiming they were of like kind and quality violated the Illinois Consumer Fraud Act. The Court awarded \$130 million in compensatory damages and ordered State Farm to pay an additional \$600 million in punitive damages, for a total judgment of nearly \$1.2 billion. The judgment is on appeal by State Farm.

G. Other Products Liability Actions

1. ***Richison v. American Cemwood Corp.***, No.005532 (San Joaquin Superior Court). Lieff Cabraser is Class counsel for a multistate class of tens of thousands of owners of homes and other structures on which defective Cemwood Shakes were installed. On May 26, 2000, the San Joaquin Superior Court granted final approval of a partial settlement worth \$105 million. Class members with qualifying damage who file a claim within the first year will receive an initial payment of \$250 per field square. Class counsel hopes to make initial payments to claimants with qualifying damage in at least the amount of \$250 per field square in subsequent years, subject to annual court approval. Class members may file a claim until the year 2015, unless they have previously settled with American Cemwood, in which case they must submit a claim by September 23, 2000. There is no cap on the amount a Class member can receive under the settlement. Instead, Class members will receive a pro rata share of the fund according to the size of their roofs. Lieff Cabraser is continuing litigation against the remaining defendants, including American Cemwood, and seeks to obtain additional relief for Class members in the future.
2. ***Williams v. Weyerhaeuser***, No. 995787 (San Francisco Superior Court). Lieff Cabraser serves as Class counsel on behalf of a nationwide class of hundreds of thousands or millions of owners of homes and other structures with defective Weyerhaeuser hardboard siding. A California-wide class was certified for all purposes on February 4, 1999, and withstood writ review by both the California Court of Appeal and Supreme Court of California. On July 12, 2000, the Court granted preliminary approval to a global, nationwide settlement and provisionally certified a nationwide settlement class. The Court granted final approval to the settlement on December 22, 2000. Under the settlement, class members will receive compensation for their damaged siding, based on the cost of replacing or, in some instances, repairing, damaged siding. The settlement has no cap, and requires Weyerhaeuser to pay all timely, qualified claims over a nine year period. No class member's recovery will be reduced for attorneys' fees or costs.
3. ***ABS Pipe Litigation***, Judicial Council Coordination Proceeding No. 3126 (Contra Costa County Superior Court). In 1998, we achieved a settlement of nearly \$70 million on behalf of property owners whose ABS drainage pipe was allegedly defective and caused property damage by leaking.
4. ***Cox v. Shell***, Civ. No. 18,844 (Obion County Chancery Court, Tennessee (Chancellor Maloan). Lieff Cabraser served as Class Counsel on behalf of a nationwide class of approximately 6 million owners of property equipped with defective polybutylene plumbing systems and yard service lines. On November 17, 1995, the Court granted final approval to a settlement involving an initial commitment by Defendants of \$950 million to provide compensation for past and future expenses incurred as a result of pipe leaks, and to provide replacement pipes to eligible claimants.
5. ***Naef v. Masonite***, No. CV-94-4033 (Mobile County, Alabama Circuit Court) (Kendall, J.). Lieff Cabraser served as Class Counsel on behalf of a nationwide

class of 4 million homeowners with defective hardboard siding on their homes. The class was certified in November 1995, and the Alabama Supreme Court denied extraordinary writs seeking to decertify the class in Ex Parte Masonite, 681 So. 2d 1068 (Ala. 1996). A month-long jury trial in 1996 established Masonite as defective under the laws of most states. On January 21, 1998, a class settlement, valued at \$350 million-\$1 billion, was approved providing for costs of repair and replacement of failing siding for all persons with Masonite siding who wish to participate in the settlement.

6. ***In re Louisiana-Pacific Inner-Seal Siding Litigation***, No. CV-95-879 JO-LEAD (District of Oregon). Lieff Cabraser serves as Co-lead Class Counsel on behalf of a nationwide class of homeowners with defective exterior siding on their homes. Plaintiffs asserted claims for breach of warranty, fraud, negligence, and violation of consumer protection statutes. On April 26, 1996, U.S. District Judge Robert E. Jones entered an Order, Final Judgment and Decree granting final approval to a nationwide settlement requiring Louisiana-Pacific to provide funding up to \$475 million to pay for inspection of homes and repair and replacement of failing siding over the next seven years. Settlement administration is underway.
7. ***In re Silicone Gel Breast Implants Products Liability Litigation***, MDL No. 926 (Northern District of Alabama) (Pointer, C. J.). Lieff Cabraser served on the Plaintiffs' Steering Committee in MDL No. 926. Following Final Approval in September 1994 of a nationwide settlement, a Revised Settlement Program ("RSP"), a claims-made settlement program, is now underway. Over 100,000 recipients have received initial payments.
8. ***In re Cordis Pacemaker Product Liability Litigation***, MDL No. 850 (S.D. Ohio, Rice, J.). Lieff Cabraser represented a certified nationwide class of Cordis pacemaker recipients on personal injury, emotional distress, fraud, equitable relief, and pacemaker explant compensation claims. In 1995, shortly before trial, Lieff Cabraser negotiated and obtained Court approval of a settlement of the action for an amount exceeding \$21 million.
9. ***In re Intel Pentium Processor Litigation***, Civ. No. CV 745729 (Santa Clara Sup. Ct.). Lieff Cabraser served as one of two court appointed co-lead class counsel, and negotiated a settlement, approved by the Court in June 1995, involving both injunctive relief and damages having an economic value of approximately \$1 billion. The chip replacement program has been implemented, and is ongoing.
10. ***In re Felbatol Products Liability Litigation***, MDL No. 1048 (N.D. Cal.). Lieff Cabraser serves as co-lead class counsel and Plaintiffs' Liaison Counsel in this nationwide litigation asserting medical monitoring, compensatory and punitive damages claims on behalf of 100,000 users of the anti-epilepsy drug Felbatol, who allege present and potential injuries from its serious adverse effects, including liver failure and aplastic anemia. The nationwide Plaintiff class was certified on March 15, 1995, certification was vacated for further findings by the Ninth Circuit in Valentino v. Carter-Wallace, 97 F.3d 1277 (9th Cir. 1996), which affirmed the viability of nationwide mass tort class actions, and the

litigation was settled favorably on behalf of all major injury claimants in March 1997.

11. ***Gross v. Mobil***, Civ. No. C 95-1237 SI (N.D. Cal.). Lieff Cabraser served as Plaintiff Class Counsel in this nationwide action involving an estimated 2,500 aircraft engine owners whose engines were affected by Mobil AV-1, an aircraft engine oil. Plaintiffs' alleged claims for strict liability, negligence, misrepresentation, violation of consumer protection statutes, and for injunctive relief. Plaintiffs obtained a preliminary injunction, requiring Defendant Mobil Corporation to provide notice to all potential class members of the risks associated with past use of Defendants' aircraft engine oil. In addition, Plaintiffs negotiated a proposed Settlement, granted final approval by the Court in November 1995, valued at over \$12.5 million, under which all Class Members will participate in an engine inspection and repair program, and will receive compensation for past repairs and for the loss of use of their aircraft associated with damage caused by Mobil AV-1.
12. ***In re Teletronics Pacing Systems Inc. Accufix Atrial "J" Leads Products Liability Litigation***, MDL No. 1057 (S.D. Ohio). Lieff Cabraser serves on the court-appointed Plaintiffs' Executive Committee in this nationwide defective pacemaker lead product liability litigation, which was recently re-certified on medical monitoring, negligence, and strict product liability claims by recertification order dated April 2, 1997. 172 F.R.D. 271 (S.D. Ohio 1997). Previous decisions of the court on class certification issues are published at 164 F.R.D. 222 (S.D. Ohio 1995), and 168 F.R.D. 203 (S.D. Ohio 1996). A summary jury trial utilizing jury instructions and interrogatories designed by Lieff Cabraser occurred in February 1998. A partial settlement was approved of the district court thereafter, but reversed by the Court of Appeals earlier this year. Class trial currently reset to commence in April 2001.
13. ***In re General Motors Corp. Pick-Up Fuel Tank Products Liability Litigation***, MDL No. 961. Lieff Cabraser serves as court-appointed Co-Lead Counsel representing a class of 4.7 million plaintiffs who own 1973-1987 GM C/K pickup trucks with allegedly defective gas tanks. The Consolidated Complaint asserts claims under the Lanham Act, the Magnuson-Moss Act, state consumer protection statutes, and the common law. In April 1995, the Third Circuit vacated the District Court settlement approval order and remanded the matter to the District Court for further proceedings. In July 1996, a new nationwide class action was certified for purposes of an enhanced settlement program valued at a minimum of \$600 million, plus funding for independent fuel system safety research projects. Final approval was granted in November 1996.
14. ***Hanlon v. Chrysler Corp.***, Civ. No. C 95-2010 CAL (N.D. Cal.). On November 30, 1995, the federal district court approved a \$200+ million settlement enforcing Chrysler's comprehensive minivan rear latch replacement program, to correct alleged safety problems with Chrysler's pre-1995 designs. The settlement was affirmed on appeal by the Ninth Circuit in *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (1998).

H. Antitrust Actions

1. ***Vitamin Cases***, Judicial Council Coordination Proceeding No. 4076 (San Francisco County Superior Court). Lieff Cabraser serves as Co-Liaison Counsel and Co-Chairman of the Plaintiffs' Executive Committee on behalf of class of California indirect vitamin purchasers in every level of the chain of distribution.
2. ***Pharmaceutical Cases I, II, and III***, Judicial Council Coordination Proceeding Nos. 2969, 2971, and 2972 (San Francisco County Superior Court). Lieff Cabraser is Co-Lead Counsel and Co-Liaison Counsel representing a certified class of indirect purchasers (consumers) on claims against the major pharmaceutical manufacturers for violations of the Cartwright Act and the Unfair Competition Act by allegedly fixing discriminatory prices on prescription drugs to retail pharmacists in comparison with the prices charged to certain favored purchasers, including HMOs and mail order houses. In April 1999, the Court approved a settlement that will provide \$148 million in free prescription drugs to health agencies that serve California's poor and uninsured.
3. ***In re Synthroid Marketing Litigation***, MDL No. 1182 (N.D. Ill.). Lieff Cabraser serves as Co-Lead Counsel for the purchasers of the thyroid medication Synthroid in litigation alleging the suppression of scientific research in order to achieve an unwarranted market share.
4. ***In re Toys 'R' Us Antitrust Litigation***, MDL No. 1211 (E.D.N.Y.). Lieff Cabraser served as Co-Lead Counsel representing a class of direct purchasers (consumers) who alleged that Toys 'R' Us conspired with the major toy manufacturers to boycott certain discount retailers in order to restrict competition and inflate toy prices. In February 2000, the Court approved a settlement of cash and product of over \$56 million.
5. ***In re Brand Name Prescription Drugs***, MDL No. 997 (N.D. Ill.). Lieff Cabraser serves as class counsel for a class of direct purchasers of brand name prescription drugs against the major pharmaceutical manufacturers for violations of the federal antitrust laws by fixing the price of brand name prescription drugs. To date, defendants have paid over \$700 million in partial settlements.
6. ***In re Travel Agency Commission Antitrust Litigation***, MDL No. 1058 (D. Minn.). Lieff Cabraser served as Co-Lead Counsel for a certified class of U.S. travel agents on claims against the major U.S. air carriers, who allegedly violated the federal antitrust laws by fixing the commissions paid to travel agents. In 1997, the Court approved an \$82 million settlement.
7. ***In re Compact Disc Antitrust Litigation***, MDL No. 1216 (C.D. Cal.). Lieff Cabraser serves as Co-Lead Counsel for the direct purchasers of compact discs on claims that the producers fixed the price of CDs in violation of the federal antitrust laws.

8. ***In re Carpet Antitrust Litigation***, MDL No. 1075 (N.D. Ga.). Lieff Cabraser is class counsel for a class of direct purchasers of twenty-ounce level loop polypropylene carpets.
9. ***In re California Indirect-Purchaser X-Ray Antitrust Litigation***, Case No. 960886 (San Francisco County Superior Court). Lieff Cabraser is class counsel representing a class of indirect purchasers (consumers) of medical x-ray film who allege violations of the Cartwright and Unfair Competition Acts. Lieff Cabraser was involved in prosecuting these actions and negotiating settlements totaling over \$3 million.
10. ***Sanitary Paper Cases I & II***, Judicial Council Coordination Proceeding Nos. 4019 and 4027 (San Francisco County Superior Court). Lieff Cabraser is the court-appointed Liaison Counsel on behalf of indirect purchasers of commercial paper products. Plaintiffs allege that defendants fixed the price of commercial tissue, toilet paper, toilet seat covers, and other commercial paper products in violation of the Cartwright Act and Unfair Competition Act.
11. ***Schwartz v. National Football League***, Civil Action No. 97-CV-5184 (E.D. Pa.). Lieff Cabraser serves as counsel for individuals who purchased the "NFL Sunday Ticket" package of private satellite transmissions on claims that the National Football League and its members violated the Sherman Act and the Sports Broadcast Act in fixing the price of the satellite package.

I. ***Environmental/Toxics***

1. ***In re Unocal Refinery Litigation, Case No. C94-04141, Contra Costa County Superior Court of California***, Lieff Cabraser served as one of two co-lead class counsel and on the Plaintiffs' Steering Committee in this action against Union Oil Company of California ("Unocal") arising from a series of toxic releases from Unocal's San Francisco refinery in Rodeo, California. The action was settled in 1997 on behalf of approximately 10,000 individuals for \$80 million.
2. ***In re GCC Richmond Works Cases***, Judicial Council Coordination Proceeding No. 2906. Lieff Cabraser served as Co-Liaison Counsel and Lead Class Counsel in coordinated litigation arising out of the release of a massive toxic sulfuric acid cloud which injured an estimated 50,000 residents of Richmond, California on July 26, 1993. The Coordination Trial Court has granted final approval to a \$180 million class settlement for exposed residents.
3. ***In re Sacramento River Spill Cases I and II***, Judicial Council Coordination Pleadings Nos. 2617 and 2620 (San Francisco County Superior Court). Lieff Cabraser served as Court-appointed Plaintiffs' Liaison Counsel, Lead Class Counsel, and chaired the Plaintiffs' Litigation Committee in an action arising out of a July 14, 1991 Southern Pacific train derailment and toxic spill near Dunsmuir, California. Settlement proceeds of approximately \$16 million have been distributed pursuant to Court approval of a plan of allocation to four certified plaintiff classes: personal injury, business loss, property damage/diminution, and evacuation.

4. ***In re Exxon Valdez Oil Spill Litigation*** (District of Alaska/Alaska Superior Court). Litigation arising out of 1989 Exxon Valdez oil spill. Four plaintiff classes have been certified in the coordinated state court proceedings on behalf of commercial fishing, area business, property owner, and native Alaskans for personal injury, emotional distress, and economic and property loss, and hedonic damages claims. Lieff Cabraser serves as one of the Court-appointed Plaintiffs' Class Counsel, and individually represents over 1,700 commercial fishing claimants. Lieff Cabraser served on the Class Trial Team in 1994. The class trial of Phases I, II, and III, on common issues of liability, causation, and punitive damages, resulted in jury verdicts of over \$5.26 billion on punitive and compensatory damages. The judgment is on appeal by Exxon to the Ninth Circuit.
5. ***Craft, et al. v. Vanderbilt University, et al.***, Civ. No. 3-94-0090 (M.D. Tenn.). Lieff Cabraser serves as lead counsel of certified class of over 800 pregnant women and their children who were intentionally fed radioactive iron without their consent, while receiving prenatal care at defendant Vanderbilt's hospital in the 1940's. The facts surrounding the administration of radioactive iron to the pregnant women and their children in utero came to light as a result of Energy Secretary Hazel O'Leary's 1993 disclosures of government sponsored human radiation experimentation during the Cold War. Defendants' attempts to dismiss the claims and decertify the class were unsuccessful. The case was settled in July 1998 for a total of \$10.3 million and an apology from Vanderbilt.

J. **Consumer Class Actions**

1. ***Providian Credit Card Litigation***. Lieff Cabraser serves as co-lead plaintiffs' counsel in both Providian Credit Card Cases, No. JCCP 4085 (San Francisco Superior Ct., Cal.), and In re: Providian Financial Corp. Credit Card Terms Litigation, MDL No. 1301 (E.D. Pa.), which have been filed as national class actions on behalf of millions of Providian credit cardholders who allege that Providian engaged in unfair, deceptive and misleading practices, violated state consumer protection statutes and the Truth-in-Lending Act and the Racketeer Influenced and Corrupt Organizations ("RICO") Act, in connection with the sale and marketing of credit cards. These cases are ongoing, and the courts are expected to determine class certification motions in late 2000 or early 2001.
2. ***Fischl v. Direct Merchants Credit Card Bank, N.A. , Metris Companies and Metris Direct***, Court File No. CT 00-007129 (Hennepin County District Ct., Minn.). Lieff Cabraser serves as plaintiffs' co-counsel in this national consumer class action which has been filed on behalf of millions of Direct Merchants' credit cardholders who allege that Direct Merchants and Metris engaged in unfair, deceptive and misleading practices and violated state consumer protection statutes in connection with the sale and marketing of credit cards. This case is ongoing.
3. ***In re Sears Automotive Center Consumer Litigation***, Civ. No. C-92-2227 RHS (N.D. Cal, Schnacke, J.). Lieff Cabraser served as one of Plaintiffs' Co-Lead Counsel in private consumer class actions coordinated in the Northern District of California. The nationwide plaintiff auto center customer class was certified for

purposes of approval of a combined injunctive relief/refund settlement which additionally featured the distribution of Sears merchandise coupons valued at \$25 million.

4. ***Roberts v. Bausch & Lomb***, Civ. No. 94-C-1144-W (N.D. Ala.). Lieff Cabraser was designated as one of Class Counsel in November 1994 in this nationwide consumer fraud class action involving deceptive marketing of contact lenses. A settlement valued at \$68 million (\$34 million cash and \$34 million in eyecare products) was approved by the court in late 1996.
5. ***In re Miracle Ear Consumer Litigation***, Civ. No. 94-1696 (4th Jud. Dist. Minn.). Lieff Cabraser served as Co-Lead Class Counsel in nationwide class action certified in late 1994 involving consumer protection claims arising from misrepresentations regarding performance of a hearing aid device. State courts in Minnesota and Alabama have granted final approval to the nationwide settlement.

K. Aviation

In re Air Disaster Near Honolulu, Hawaii on February 24, 1989, MDL No. 807 (N.D. Cal.). Lieff Cabraser served as Plaintiffs' Liaison Counsel on behalf of the passengers and families of passengers injured and killed in the United Airlines 747 cargo door catastrophe. The firm organized the litigation of the case, obtained a settlement of liability issues from defendants United Airlines and Boeing, developed a statistical system for settling the passengers' and families' damages claims, and coordinated the completion of discovery to effectuate the successful individual damages trials of non-settling wrongful death claimants.

L. Other Mass Tort Actions

1. ***In re Sconce/Lamb Cremation Cases***, Judicial Council Coordination Proceedings No. 2085 (Los Angeles County Superior Court, Cooperman, J.). California Supreme Court upheld class members' standing to assert emotional distress and related tort and contract claims as close family members of decedents whose remains were allegedly subjected to illegal or disrespectful multiple cremation and commingling. See *Christensen v. Superior Court* (1991) 54 Cal. 3d 868, affirming plaintiffs' "direct victim" theory. On remand, \$15.44 million partial settlement granted preliminary approval, 23(b)(1) mandatory class certified for settlement purposes. Settlement granted final approval on February 19, 1992. Class certified for litigation purposes against non-settling defendants on February 3, 1993. Lieff Cabraser served as Court-appointed Lead Class Counsel.
2. ***In re Neptune Society Cases***, Judicial Council Coordination Proceedings Nos. 1814 & 1817 (Sacramento County Superior Court). Lieff Cabraser served as Lead Class Counsel in the first California certified mass tort to survive appellate challenge. The class asserted emotional distress, personal injury, breach of contract, and consumer fraud claims arising from concealed illegal dumping of commingled human remains by pilot who had been hired to scatter

ashes separately over High Sierras. Voluntary class certified in 1995 for litigation purposes and transformed to 23(b)(1) mandatory class for purpose of court approval of settlements aggregating \$33 million. The last settlement was obtained after the first five weeks of class jury trial.

M. Employment Cases

1. ***Butler v. Home Depot***, Civ. No. C94-4335 SI (N.D. Cal.). Lieff Cabraser and a co-counsel firm represent a class of approximately 25,000 female employees and applicants for employment with Home Depot's West Coast Division who alleged gender discrimination in connection with hiring, promotions, pay, job assignment, and other terms and conditions of employment. The class was certified in January 1995. In January 1998, the Court approved a \$87.5 million settlement of the action that includes comprehensive injunctive relief over the term of a five-year Consent Decree. Under the terms of the settlement, Home Depot commits to modify hiring, promotion, and compensation practices in ways that will ensure that interested and qualified women will be hired for, and promoted to, sales and management positions.
2. ***Church v. Consolidated Freightways***, Civ. No. C90-2290 DLJ (N.D. Cal.). Lieff Cabraser was the lead Court-appointed Class Counsel in this class action on behalf of the exempt employees of Emery Air Freight, a freight forwarding company acquired by Consolidated Freightways in 1989. On behalf of the employee class, Lieff Cabraser prosecuted claims for violation of the Employee Retirement Income Security Act ("ERISA"), the securities laws, and the Age Discrimination in Employment Act ("ADEA"). The case settled in April, 1993 for \$13.5 million.
3. ***Buttram, et al. v. UPS, Inc.***, No. C-97-01590 MJJ (N.D. Cal.). Lieff Cabraser and several co-counsel represent a class of approximately 14,000 African-American part-time hourly employees of UPS's Pacific and Northwest Regions alleging race discrimination in promotions and job advancement. On April 14, 1999, Judge Jenkins approved a \$12.14 million settlement of the action. Under the injunctive relief portion of the settlement, among other things, for the next three years Class Counsel will monitor the promotions of African-American part-time hourly employees to part-time supervisor and full-time package car driver.
4. ***Barnett, et al. v. Wal-Mart, et al.***, Case No. 01-2-24553-SNKT, and ***Gamble v. Wal-Mart, et al.***, Index No. 01603980 (currently pending in Washington and New York states, respectively). Lieff Cabraser and co-counsel represent classes of hourly wage earners at Wal-Mart who allegedly have been forced to work "off-the-clock" (without pay), sometimes many hours a week, sometimes in a locked store. Wal-Mart's alleged policies and practices violate the company's own agreements with employees as well as state wage and hour laws.
5. ***Trotter, et al. v. Perdue Farms, Inc., et al.***, Case No. C 99-893 (RRM) (D. Del.). Lieff Cabraser represents a class of approximately 50,000 current and former chicken processing employees of Perdue Farms, Inc., one of the nation's largest poultry processors. The suits challenge Perdue's failure to compensate its

assembly line employees for putting on, taking off, and cleaning protective and sanitary equipment required by company policy and federal regulations. Plaintiffs assert claims under the Employee Retirement Income Security Act ("ERISA"), the Fair Labor Standards Act ("FLSA") and various state wage and hour laws. On August 16, 2001, the court issued a written ruling granting class certification pursuant to Federal Rule of Civil Procedure 23 of plaintiffs' ERISA and state law claims, and collective action designation of plaintiffs' FLSA claim.

6. ***Stella Mitchell, et al. v. Metropolitan Life Ins. Co., Inc.***, Case No. 01 Civ. 2112 WHP (S.D.N.Y.). Lieff Cabraser and co-counsel are representing a nationwide class of female financial sales representatives and their managers, who allegedly have been discriminated against on the basis of sex with respect to hiring, promotions, and compensation.
7. ***Lyon v. TMP Worldwide, Inc.***, Case No. 993096 (San Francisco County Superior Court). Lieff Cabraser serves as class counsel for a class of certain non-supervisory employees in a recruitment advertising firm. The suit alleges that TMP failed to pay overtime wages to these employees. Hon. David A. Garcia certified the class on November 15, 1999. The parties reached a preliminary settlement in this action. Notice of the settlement and claim forms were sent to class members on May 31, 2000.
8. ***Kahn v. Denny's***, Case No. BC177254 (Los Angeles County Superior Court). We have brought a lawsuit alleging that Denny's has failed to pay overtime wages to its General Managers and Managers who have worked at company-owned restaurants in California since September 2, 1994. The class has been certified and Class Notice was sent on November 1, 1999.
9. ***Vallis, et al. v. CNF Transportation, Inc., et al.***, Case No. 00-4226 SBA (N.D. Cal.). Lieff Cabraser, along with co-counsel, represents a class of Freight Operations Supervisors who allegedly have been wrongfully classified as "exempt" and forced to work many hours of overtime a week without being compensated for this overtime work.
10. ***Foster, et al. v. The Great Atlantic & Pacific Tea Company, Inc. ("A&P")***, Case No. 99 Civ. 3860 (CM) (S.D.N.Y.). Lieff Cabraser represents former employees of a supermarket chain seeking federal overtime compensation due to defendants' practice of failing to compensate employees for work performed "off-the-clock." On April 26, 2000, the court granted plaintiffs' motion for collective action certification pursuant to 29 U.S.C. § 216(b).
11. ***Gile v. Allstate***, J.C.C.P. Nos. 2984 and 2985. Lieff Cabraser represented a class of Allstate insurance agents seeking reimbursement of out-of-pocket costs. The action settled for approximately \$40 million.
12. ***Frank, et al. v. United Airlines, Inc.***, Case No. C-92-0692 MJJ (N.D. Cal.). In this case currently pending in the United States District Court for the Northern District of California, Lieff Cabraser and co-counsel are representing a class of female flight attendants who were required to weigh less than male flight attendants of the same height. The Ninth Circuit has already ruled that United's

weight policy constitutes facially discriminatory treatment on the basis of sex; the main issues in the case now revolve around the damages suffered by the flight attendants, many of whom allege to have suffered severe emotional distress because of the extreme measures they were forced to take to lose weight or risk losing their jobs.

13. ***Machelle Bogan, et al. v. Fleetwood Enterprises, Inc.***, Case No. CIV 00-0440-S-BLW (D. Idaho). Lieff Cabraser, along with co-counsel, represents a nationwide class of women production associates who allegedly have been discriminated against on the basis of sex with respect to promotions and compensation, and who allegedly have been subjected to rampant sexual harassment.

Lieff Cabraser attorneys have also had experience working on several other employment cases, including cases involving race, gender, and age discrimination, ERISA, breach of contract claims, and wage/hour claims. Lieff Cabraser attorneys are frequently asked to write amici briefs on cutting-edge legal issues involving employment law and to analyze Appellate and Supreme Court briefs dealing with employment issues. Lieff Cabraser is currently investigating charges of race, gender and/or age discrimination against several companies.

FIRM BIOGRAPHY:

ROBERT L. LIEFF, born Bridgeport, Connecticut, September 29, 1936; admitted to bar, 1966, California, U.S. District Court, Northern District of California and U.S. Court of Appeals, Ninth Circuit; 1969, U.S. Supreme Court; 1972, U.S. Court of Appeals, Seventh Circuit; 1974, U.S. Tax Court; 1986, U.S. District Court, District of Hawaii. Education: Cornell University; University of Bridgeport (B.A., 1958); Columbia University (M.B.A., 1962; J.D., 1962). Member, Board of Visitors, Columbia Law School, 1992--. Member: Bar Association of San Francisco; State Bar of California (Member: Committee on Rules of Court, 1971-1974; Special Committee on Multiple Litigation and Class Actions, 1972-1973; American Bar Association (Member, Section on Corporation, Banking and Business Law); Lawyers Club of San Francisco; San Francisco Trial Lawyers Association; Consumer Attorneys of California; The Association of Trial Lawyers of America.

ELIZABETH J. CABRASER, born Oakland, California, June 23, 1952; admitted to bar, 1978; California and U.S. Supreme Court; U.S. District Court, Northern, Eastern, Central and Southern Districts of California; U.S. Court of Appeals, Second, Third, Fifth, Sixth, Ninth, Tenth and Eleventh Circuits and U.S. Tax Court; U.S. District Court, District of Hawaii; U.S. District Court, District of Arizona. Education: University of California at Berkeley (A.B., 1975); Boalt Hall School of Law, University of California (J.D., 1978). Member: Council, American Law Institute; Advisor, American Law Institute International Jurisdiction and Judgments Project; California Constitution Revision Commission, 1993-1996; National Center for State Courts Mass Tort Conference Planning Committee; Northern District of California Civil Justice Reform Act (CJRA) Advisory Committee, and Advisory Committee on Professional Conduct. Lawyer-Delegate, Ninth Circuit Judicial Conference, 1992-1995; Bar Association of San Francisco (Past President, Securities Litigation Section; Board of Directors); American Bar Association, Section of Litigation Committee on Class Actions and Derivative Suits; Co-Chair, Committee on Mass Torts; Consumer Attorneys of California (CAOC); Bar Association of the Fifth Federal Circuit; Association of Trial Lawyers of America (ATLA); ATLA Women Trial Lawyers Caucus; California Women Lawyers; Association of Business Trial Lawyers; Bay Area Lawyers for Individual Freedom. Organizer/Participant, 1997-2001 ABA National Institute on Class Actions.

Author: "Equity for the Victims, Equity for the Transgressor: The Classwide Treatment of Punitive Damages Claims," 74 Tulane Law Review 2005, (June 2000), "Class Actions in the Gulf States" Symposium Issue; "Enforcing the Social Contract through Representative Litigation," 2001 University of Connecticut Law Review Annual Symposium issue; "Mandatory Certification of Settlement Classes," 10 Class Action Reports 151 (1987); "The Applicability of the Fraud-On-The-Market Theory to 'Undeveloped' Markets: When Fraud Creates the Market," 12 Class Action Reports 402 (1989); "How To Streamline Complex Litigation: Tailor a Case Management Order to Your Controversy," 21 The Brief 12, ABA/TIPS (Summer 1992); "Mass Tort Class Action Settlements," 24 CTLA Forum 11 (Jan./Feb. 1994); "Do You Know the Way from San Jose? The Evolution of Environmental and Toxic Nuisance Class Actions," Class Actions & Derivative Suits Newsletter (Spring 1994); "Life After Amchem: The Class Struggle Continues," 31 Loyola Law Review 373 (1998); "The Road Not Taken: Thoughts on the Fifth Circuit's Decertification of the Castano Class," ALI/ABA, Civil Practice and Litigation Techniques in the Federal Courts (1996); "Beyond Bifurcation: Multi-Phase Structure in Mass Tort Class Actions," Class Actions & Derivative Suits Newsletter (Spring 1997); "Getting the Word Out: Pre-Certification Notice to Class Members Under Rule 23(d)(2)," Class Actions & Derivative Suits Newsletter (October 1995); "The Applicability of the Fraud-On-The-Market Theory to 'Undeveloped' Markets: When Fraud Creates the Market," 12 Class Action Reports 402 (1989); "Measuring Damages in Securities Actions: Plaintiff's Methodologies and Strategies" (PLI 1991 Realty Partnership Program); "Confronting or Deflecting Limited Partners' Securities Claims in the Light of Lampf" (PLI 1991); "Taking Depositions in an Age of Limits" (ABA Division of Professional Education 1991) "Developments in the Termination of Securities Actions by Dismissal or Summary Judgment" (PLI 1993); "An Oracle of Change? Realizing the Potential of Emerging Fee Award Methodologies for Enhancing The Role and Control of Investors in Derivative and Class Action Suits," American Law Institute Principles of Corporate Governance (October 1994); "Discovery of Accountants as Third Parties and Defendants: Privilege Issues and Ethical Considerations," (PLI 1995); "Professional Liability of Lawyers and Accountants in the Securities Law Context: Initial Reflections on Central Bank of Denver," 1995; "Recent Developments in Nationwide Products Liability Litigation: The Phenomenon of Non-Injury Products Cases, the Impact of Amchem and the Trend Toward State Court Adjudication," ABA Products Liability (February 1998); "Nationwide Class Certification and Settlement Classes in the Post-Amchem Era: Recent Federal and State Decisions," 1998 ABA national Institute on Class Actions; "Trends and Developments in Mass Torts and Class Actions In Year One of the Post-Amchem Era," ALI-ABA Course of Study, Civil Practice and Litigation Techniques in the Federal Courts (January 1999); "Coordination From a Plaintiffs' Perspective" (ABA Section of Litigation April 1999); "Trends and Developments in the Certification, Settlement, Trial and Appeal of Class Actions," 1999 ABA National Institute on Class Actions; Contributor/Editor, Moore's Federal Practice (1999); Contributor/Editor, California Causes of Action (1998). *Awards and Honors:* 1997 and 2000 National Law Journal "One Hundred Most Influential Lawyers in America"; 1997 Trial Lawyers for Public Justice Public Justice Achievement Award; 1998 Consumer Attorneys of California Presidential Award of Merit; 1998 National Law Journal "Fifty Most Influential Women Lawyers"; 1998 California Lawyer "Lawyers of the Year"; 1998-2000, California Daily Journal "California Law Business Top 100 Lawyers"; 2000 Legal Aid Society "Matthew O. Tobriner Public Service Award."

RICHARD M. HEIMANN, born Miami, Florida, August 23, 1948; admitted to bar, 1972; Pennsylvania, 1974, District of Columbia; 1975, California, U.S. District Court, Northern District of California and U.S. Court of Appeals, Ninth Circuit; 1980, U.S. Supreme Court, 1980; U.S. Court of Appeals, Second Circuit; 1986, U.S. District Court, District of Hawaii. *Education:* University of Florida (B.S.B.A., with honors, 1969); Georgetown University (J.D., 1972). Member, Georgetown Law Journal, 1971-1972. Member: State Bar of California; Bar Association of San Francisco. Mr. Heimann served as Deputy District Attorney and Acting Assistant District Attorney for Tulare County, California, and as an Assistant Public Defender in Philadelphia, Pennsylvania (1972-74). As a private attorney, Mr. Heimann

has tried over 30 civil jury cases, including complex cases such as the successful FPI/Agretech securities class action trial.

WILLIAM BERNSTEIN, born York, Pennsylvania, July 5, 1950; admitted to bar, 1975; California and U.S. Court of Appeals, Ninth Circuit; 1985, New York and U.S. Supreme Court. *Education*: University of Pennsylvania (B.A., general honors, 1972); University of San Francisco (J.D. 1975). Member, San Francisco Law Review, 1974-1975. Judge Pro Tem, Municipal Court of Marin, 1984. Discovery Referee for the Marin Superior Court, 1984-1989. Arbitration for the Superior Court of Marin, 1984-1990. *Member*: Marin County Bar Association (Member, Admin. of Justice Committee, 1988); State Bar of California; Bar Association of San Francisco. Co-Author (with Donald C. Arbitblit): "Effective Use of Class Action Procedures in California Toxic Tort Litigation", Hastings West-Northwest Journal of Environmental Law and Policy, University of California Hastings College of the Law, Vol. 3, No. 3, Spring 1996. Panelist and Contributor: National Consumer Rights Litigation Conference, Cross Cutting Legal Issues, 1997; The Australian Bar Association Conference, Suing Big Business-Class Actions, 1996; Judicial Arbitration and Mediation Services (JAMS), Complex Litigation Forum, 1995; The Negotiation Strategy Institute at Lake Tahoe, 1995; Sixth Annual Corporate Counsel Institute on Environmental Law, 1995; The San Jose Bar Association Environmental Law Forum, 1994 and 1995; and California Trial Lawyers Association, Commercial Tort Cases, 1994.

WILLIAM B. HIRSCH, born Los Angeles, California, May 19, 1951; admitted to bar, 1983, California; U.S. District Court, Northern District of California; U.S. District Court, District of Hawaii (1991). *Education*: University of California at Santa Cruz (B.A., with highest honors, 1973); Princeton University (M.A., 1975); Harvard University (J.D., 1983). *Member*: Bar Association of San Francisco; State Bar of California; California Trial Lawyers Association; ATLA; ACLU of Northern California Lawyers' Counsel (Steering Committee, 1993-94). *Honors*: 1995 Trial Lawyer of the Year Award, awarded by Trial Lawyers for Public Justice. Author: Justice Delayed: Seven Years Later & No End In Sight, in "The Exxon Valdez Disaster: Readings on a Modern Social Problem" (Kendall & Hunt Pub. Co. 1996).

JAMES M. FINBERG, born Baltimore, Maryland, September 6, 1958; admitted to bar, 1984, California; U.S. District Court, Northern District of California, 1984; U.S. Court of Appeals, Ninth Circuit, 1987; U.S. Court of Appeals, Federal Circuit, 1987; U.S. District Court, Eastern District of California, 1987; U.S. District Court, District of Hawaii, 1988; U.S. District Court, Central District of California, 1992; U.S. District Court, Southern District of California, 1992; U.S. Court of Appeals, Tenth Circuit, 1992; U.S. Supreme Court, 1994; U.S. Court of Appeals, Eleventh Circuit, 1999; U.S. District Court, District of Colorado, 2001; U.S. Third Circuit Court of Appeals, 2001. *Education*: Brown University (B.A., 1980); University of Chicago (J.D., 1983). Executive Editor, University of Chicago Law Review, 1982-1983. Law Clerk to Justice Charles L. Levin, Michigan Supreme Court, 1983-1984. Author: "Certification of Employment Discrimination Class Actions after the Passage of the 1991 Civil Rights Act: Not Dead Yet" (May 2001) (NELA); Settling Employment Discrimination and Wage/Hour Class Actions Lessons From the Mediations in *Butler v. Home Depot*, *Carter v. UPS* and *Lyon v. TMP* (August 2000) (Glasser Legalworks); Certification of Employment Discrimination Actions After The Passage of the 1991 Civil Rights Act: (b)(2) or Not (b)(2), That Is The Question - Allison, Jefferson, and Rutstein (August 2000) (Glasser Legalworks); Certification of Employment Discrimination Actions After The Passage of the 1991 Civil Rights Act: (b)(2) or Not (b)(2), That Is The Question (March 2000) (ABA); Co-author with Joshua P. Davis, Allison v. Citgo Petroleum Corp. - A Noble Retreat, Class Actions & Derivative Suits, Vol. 9, No. 1 (Winter, 1999); Co-Author (with Melanie M. Piech), The Impact of the Private Securities Litigation Reform Act: Unintended Consequences, SECURITIES REFORM ACT LITIGATION REPORTER, Vol. 6, No. 3 (Dec. 1998); Co-Author (with Karen Jo Koonan), The Importance of Anecdotal Testimony to the Jury Trial of a Title VII Class Action: Lessons from *Butler v.*

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JOSEPH R. SAVERI, born San Francisco, California, August 18, 1962; admitted to bar, 1987, California; U.S. District Court, Northern District of California; U.S. District Court, Central District of California; U.S. Court of Appeals, Seventh Circuit; U.S. Court of Appeals, Ninth Circuit. *Education*: University of California at Berkeley (B.A., 1984); University of Virginia (J.D., 1987). *Author*: "RICO Update," Review of Securities and Commodities Regulation, Vol. 22, No. 18 (10/25/89). *Member*: Bar Association of San Francisco; State Bar of California; Italian American Bar Association; Lawyers Club of San Francisco.

DONALD C. ARBITBLIT, born Jersey City, New Jersey, May 5, 1951; admitted to bar, 1979, Vermont; 1986, California; U.S. District Court, Northern District of California. *Education*: Tufts University (B.S., magna cum laude, 1974); Boalt Hall School of Law, University of California (J.D., 1979). Order of the Coif. *Author*: "The Plight of American Citizens Injured by Transboundary River Pollution," Ecology Law Quarterly, Vol. 8, No. 2, 1979, "Effective Use of Class Action Procedures in California Toxic Tort Litigation," West-Northwest Journal of Environmental Law and Policy, Vol. 3, No. 3, 1996. *Member*: Bar Association of San Francisco; State Bar of California.

STEVEN E. FINEMAN, born Los Angeles, California, February 13, 1963; admitted to bar 1989, California and U.S. District Court, Northern, Eastern and Central Districts of California and U.S. Court of Appeals, Ninth Circuit; 1995, U.S. Court of Appeals, Fifth Circuit; 1996, District of Columbia; 1997, New York, U.S. District Court, Eastern and Southern Districts of New York, U.S. Court of Appeals, Second Circuit and U.S. Supreme Court. *Education*: Stirling University, Scotland (1983-1984);

University of California at San Diego (B.A., 1985); Hastings College of the Law, University of California (J.D., 1988). *Legal Memberships/Committees:* American Bar Association (Litigation Section and Committee on Class Actions and Derivative Suits); New York Bar Association; California Bar Association; District of Columbia Bar Association; Association of the Bar of the City of New York (Legal History Committee, 1996-1999); New York State Trial Lawyers Association; Association of Trial Lawyers of America; Trial Lawyers for Public Justice (Program Development Committee); Supreme Court Historical Society. *Publications and Presentations:* Duke University and University of Geneva, *Debates Over Group Litigation in Comparative Perspective* (Geneva, Switzerland), Panel Member on Mass Torts and Products Liability (July 21-22, 2000); New York Law Journal, Article, *Consumer Protection Class Actions Have Important Position, Applying New York's Statutory Scheme* (November 23, 1998); Leader Publications, Litigation Strategist, "Fen-Phen," Co-Editor-In-Chief (1998-2000); Articles, *The Admissibility of Scientific Evidence in Fen-Phen Litigation and Daubert Developments: Something for Plaintiffs, Defense Counsel* (June 1998); The Defense Research Institute and Trial Lawyer Association, Toxic Torts and Environmental Law Seminar, Article and Lecture, *A Plaintiffs' Counsel's Perspective: What's the Next Horizon?* (April 30, 1998); Mealey's Publications, Mealey's Tobacco Conference: Settlement and Beyond 1998, Article and Lecture, *The Expanding Litigation* (February 21, 1998); Mealey's Publications, Mealey's Breast Implant Litigation Conference, 1998, Article (co-author), *Plaintiffs' Perspective on the Daubert Principles and Their Application in Breast Implant Cases* (January 22, 1998); New York State Bar Association, Expert Testimony in Federal Court After Daubert and New Federal Rule 26, Article and Lecture, *Breast Implant Litigation: Plaintiffs' Perspective on the Daubert Principles* (May 23, 1997); Law Journal Seminars-Press, Fourth Annual Symposium on Breast Implant Litigation, Lecture, "The Revised Settlement Program" (June 3, 1996); National Health Lawyers Association, Conference on Antitrust in the Health Care Field (1991), Article (co-author), *What To Do When the Government Investigates* (February 13, 1991); National Health Lawyers Association, Conference on Antitrust in the Health Care Field (1989), Article (co-author), *Responding to Big Buyers: Is Monopsony Power a Theory Without a Remedy?* (January 25, 1989). *Cases:* Simon v. Philip Morris, Inc., et al. (Eastern District of New York) -- Court-appointed Plaintiffs' Liaison Counsel in proposed class action on behalf of smokers with personal injuries against cigarette manufacturers (1999-present); In re Rezulin Product Liability Litigation (Southern District of New York) -- Serving as Plaintiffs' Liaison Counsel and on the Plaintiffs' Steering Committee in defective drug litigation (2000-present); Kentucky Coal Mine Sludge Disaster -- Co-Counsel for persons in Martin County, Kentucky with claims arising from coal sludge disaster (2000-present); Toms River Environmental Disaster -- Co-Counsel for persons in Toms River, New Jersey exposed to allegedly cancer-causing chemicals. No case has yet been filed (2000-present); In re Managed Care Litigation (Southern District of Florida) -- Member of Court-appointed Executive Committee in RICO and ERISA class action on behalf of subscribers to various HMOs (2000-present); Kofuku Bank Ltd. and Namihaya Bank Ltd. v. Republic New York Securities Corporation, et al., and Kita-Hyogo Shinyo-Kumiai v. Republic New York Securities Corporation, et al. (Southern District of New York) -- Representing Japanese financial institutions in securities fraud and RICO actions (2000-present); Commonwealth of Massachusetts v. Philip Morris, Inc., et al. (Sussex County, Massachusetts) -- Appointed as one of several Special Assistant Attorneys General to prosecute case against cigarette manufacturers on behalf of the Commonwealth (1995-1999); also counsel in similar cases for Maine, New Hampshire and Rhode Island.

ROBERT J. NELSON, born New York, New York, October 20, 1960; admitted to bar, 1987, California; 1987, U.S. District Court, Central District of California; 1988, U.S. District Court, Northern District of California; 1988, U.S. Court of Appeals, Ninth Circuit; 1995, U.S. Court of Appeals, Sixth Circuit; 1998, District of Columbia; 1999, New York. *Education:* Cornell University (A.B., *cum laude* 1982); London School of Economics (General Course, 1980-81); N.Y.U. School of Law (J.D., 1987). Member, Phi Beta Kappa, Cornell. Member, College Scholar Honors Program, Cornell. Root-Tilden Scholarship Program, N.Y.U. School of Law. Order of the Coif, N.Y.U. School of Law. Articles Editor,

New York University Law Review. *Author*: "To Infer or Not to Infer a Discriminatory Purpose: Rethinking Equal Protection Doctrine," 61 New York University Law Review 334, 1986. *Employment*: Judicial Clerk, Judge Stephen Reinhardt, Ninth Circuit Court of Appeals, 1987-1988. Assistant Federal Public Defender, Northern District of California, 1988-1993. Legal Research and Writing Instructor, University of California-Hastings College of the Law, 1989-1991. Faculty Member, Stanford Law School Advocacy Skills Workshop, 1994-1995. *Member*: State Bar of California; Bar of the District of Columbia; State Bar of New York; Bar Association of San Francisco; Association of Trial Lawyers of America; American Bar Association.

MORRIS A. RATNER, born San Jose, California, November 13, 1966; admitted to bar, 1991, California; admitted to practice in U.S. District Court, Northern, Central and Southern Districts of California; and U.S. Court of Appeals, Second, Third, Sixth and Ninth Circuits. *Education*: Stanford University (B.A., with distinction, 1988); Harvard University (J.D., 1991). Phi Beta Kappa. *Member*: State Bars of California and New York, and the Bar of Washington, D.C.; Bar Association of San Francisco.

KELLY M. DERMODY, born Ithaca, New York, June 16, 1967; admitted to bar, 1994, California; U.S. District Court, Northern District of California, 1995; U.S. Third Circuit Court of Appeals, 2001. *Education*: Harvard University (A.B. magna cum laude, 1990), Senior Class Ames Memorial Public Service Award; Boalt Hall School of Law, University of California, Berkeley (J.D. 1993). Moot Court Executive Board (1992-1993); Articles Editor, Industrial Relations Law Journal/Berkeley Journal of Employment and Labor Law (1991-1992). Law Clerk to: Hon. John T. Nixon, Chief Judge, U.S. District Court, Middle District of Tennessee, 1993-1994. *Articles*: "Class Actions: Latest Developments in Litigating and Settling Employment Discrimination Class Actions" (American Bar Association Labor and Employment Section Equal Employment Opportunity Committee, Mid-Year Meeting 2001) (in progress); "A Road Map to Discovery in Employment Discrimination and Wage/Hour Class Actions" (with James M. Finberg) (Glasser Legal Works Seminar, 2000); "Employment Discrimination Class Actions in the Wake of Allison v. Citgo Petroleum Corp." (American Bar Association Litigation Section Annual Meeting 2000); "Employment Discrimination Class Actions in the Wake of Allison v. Citgo Petroleum Corp. and Fed. R. Civ. P. 23(f)" (Federal Bar Association Convention, 1999); "Discovery in Employment Discrimination Class Actions" (with James Finberg) in Litigation and Settlement of Complex Class Actions (Glasser Legal Works, 1998). *Affiliations and Appointments*: Adjunct Professor of Law, Golden Gate University School of Law, Employment Law (Spring 2001). *Member*: ABA Section of Labor and Employment, Equal Employment Opportunity Committee (Mid-Year Meeting, Planning Committee, 2000-); ABA Young Lawyers Division Labor and Employment Committee (Vice-Chair, 1997-1999); Board of Directors, Pride Law Fund (Secretary, 1995-1997; Chairperson, 1997-); Lawyers' Committee for Civil Rights of the San Francisco Bay Area (Executive Committee, 1998-; Secretary, 1999-); Equal Rights Advocates (Litigation Committee, 2000-). *Member*: State Bar of California; Bar Association of San Francisco; American Bar Association; National Employment Lawyers' Association; Bay Area Lawyers for Individual Freedom.

JONATHAN D. SELBIN, born Baton Rouge, Louisiana, May 11, 1967; admitted to bar, California; District of Columbia; New York; U.S. District Court, Northern District of California; U.S. District Court, Central District of California; U.S. District Court, Southern District of New York. Law Clerk to Hon. Marilyn Hall Patel, U.S. District Court, Northern District of California, 1993-1995. *Education*: University of Michigan (B.A., *summa cum laude*, 1989); Harvard University (J.D., *magna cum laude*, 1993). *Author*: "Bashers Beware: The Continuing Constitutionality of Hate Crimes Statutes After R.A.V.," 72 Oregon Law Review 157 (Spring, 1993). *Member*: State Bar of California; Bar of the District of Columbia; State Bar of New York; American Bar Association; New York State Trial Lawyers Association.

BARRY R. HIMMELSTEIN, born Philadelphia, Pennsylvania, March 14, 1958; admitted to bar, 1992, California; U.S. District Court, Northern District of California, 1992. *Education*: University of Michigan at Ann Arbor (B.G.S., with distinction, 1982); Hastings College of the Law (J.D., magna cum laude, 1991). Note and Articles Editor, Hastings Law Journal (1990-91). Law Clerk to Hon. Charles A. Legge, U.S. District Court, Northern District of California, 1991-92. *Member*: State Bar of California; Bar Association of San Francisco.

ROBERT G. EISLER, born Philadelphia, Pennsylvania, January 6, 1964; admitted to bar, 1989, Pennsylvania; 1989, U.S. District Court, Eastern District of Pennsylvania; 2000, New York; 2001, U.S. District Court, Southern District of New York. *Education*: LaSalle University (B.A., 1986); Villanova University School of Law (J.D., 1989). *Member*: American Bar Association, Bar Association of the City of New York, Pennsylvania Bar Association, Philadelphia Bar Association.

THOMAS M. SOBOL, born Framingham, Massachusetts, January 6, 1958; admitted to bar, 1983, Massachusetts; 1991, Rhode Island. *Education*: Clark University (B.A., summa cum laude, 1980); Boston University School of Law (J.D., cum laude, 1983). *Member*, Phi Beta Kappa. Law Clerk to Hon. Alan M. Hale, Chief Justice, Massachusetts Court of Appeals, 1983-1984. *Member*: American Bar Association; American Trial Lawyers Association; Massachusetts Bar Association; Boston Bar Association. From 1984 to 2000, Mr. Sobol practiced complex, civil and criminal litigation at the Boston-based law firm of Brown, Rudnick, Freed & Gesmer. Mr. Sobol served as Special Assistant Attorney General to the Commonwealth of Massachusetts from 1995 to 1999; as Lead Trial Counsel for the Office of the Attorney General, State of New Hampshire, from 1999 to 2000, and as outside Special Counsel to the Attorneys General for the states of Maine and Rhode Island from 1999 to 2000. Mr. Sobol has tried civil and criminal cases, including complex intellectual property, construction, industrial and financial fraud disputes, in federal and state courts and before arbitration panels.

MELANIE M. PIECH, born Los Angeles, California, April 18, 1964; admitted to bar, 1989, California; U.S. Court of Appeals for the Ninth Circuit, 1990; U.S. District Court, Central District of California, 1990; U.S. District Court, Northern District of California, 1991. *Education*: Loyola Marymount University (B.A., magna cum laude, 1986); Hastings College of the Law, University of California (J.D., 1989). *Member*: Bar Association of San Francisco; State Bar of California.

JACQUELINE E. MOTTEK, born Monmouth, New Jersey, April 8, 1957; admitted to bar, 1986, California; U.S. District Court, Northern District of California, 1986; U.S. Court of Appeals, Ninth Circuit, 1986; U.S. District Court, Central District of California, 1988. *Education*: University of Maryland (B.S. cum laude, 1978); University of San Francisco (J.D. 1986); Recipient American Jurisprudence Award, Constitutional Law; University of San Francisco Law Review. *Member*: Bar Association of San Francisco, Volunteer Legal Services Panel; State Bar of California.

RICHARD M. FRANCO, born Los Angeles, California, November 23, 1966; admitted to bar, 1994, California; U.S. District Court, Northern District of California, 1995; U.S. District Court, Central District of California, 1996; U.S. District Court, Southern District of California, 1997. *Education*: University of California at Los Angeles (B.A. 1988); Hastings College of the Law (J.D. 1993). *Member*: State Bar of California; Bar Association of San Francisco.

MICHAEL W. SOBOL, born Mt. Kisco, New York, October 5, 1961; admitted to bar, 1989, Commonwealth of Massachusetts; 1998, California; 1990, United States District Court, Massachusetts. U.S. District Court, Northern District of California, 2001; *Education*: Hobart College (B.A., cum laude, 1983); Boston University (J.D., 1989). Lecturer in Law, Boston University School of Law, 1995-1997.

PIERCE GORE, born Springfield, Missouri, April 5, 1957; admitted to bar, 1987, California; U.S. Court of Appeals for the Ninth Circuit, 1995; U.S. District Court, Central District of California, 1987; U.S. District Court, Northern District of California, 1995. *Education*: Middle Tennessee State University (B.S., *magna cum laude*, 1981); Vanderbilt University (M.B.A., 1986; J.D., 1986). *Member*: Bar Association of San Francisco; State Bar of California; American Bar Association.

FABRICE N. VINCENT, born Paris, France, June 15, 1966; admitted to bar, 1992, California; U.S. District Court, Northern District of California, Central District of California, Eastern District of California, Ninth Circuit Court of Appeals, 1992. *Education*: University of California at Berkeley (B.A., 1989); Cornell Law School (J.D., *cum laude*, 1992). Co-Editor-In-Chief, Fen-Phen Litigation Strategist (Leader Publications 1998-2000). Author "Off-Label Drug Promotion Permitted," (Leader Publications October, 1999). Co-Author "The Future of Prescription Drug Products Liability Litigation in a Changing Marketplace," and "Six Courts Certify Medical Monitoring Claims for Class Treatment," 29 Forum 4 (Consumer Attorneys of California 1999). Co-Author, "Class Certification of Medical Monitoring Claims in Mass Tort Product Liability Litigation," ALI-ABA Course of Study (1999). Co-Author, "Class Certification of Medical Monitoring Claims: Lessons from Fen/Phen," Mealey's Litigation Conference (October, 1999). Co-Author, "How Class Proofs of Claim in Bankruptcy Can Help in Medical Monitoring Cases" (Leader Publications 1999). Co-Author of Introduction to "Sanctioning Discovery Abuses in the Federal Court," (LRP Publications 2000). Author, "With Final Approval, Diet Drug Class Action Settlement Avoids Problems That Doomed Asbestos Pact," (Leader Publications 2000). Co-Author, "Decisions Interpreting California's Rules of Class Action Procedure," ABA Survey of State Class Action Law (2000), updated and re-published in 5 Newberg on Class Actions (June 2001). Coordinating Editor and Co-Author of California and Mississippi sections of the ABA State Class Action Survey (2001). *Member*: State Bar of California; Bar Association of San Francisco; American Bar Association; Association of Trial Lawyers of America; Association of Business Trial Lawyers.

DAVID S. STELLINGS, born Paterson, New Jersey, April 23, 1968; admitted to bar, 1994, New York, New Jersey; 1994, U.S. District Court, Southern District of New York. *Education*: Cornell University (B.A., *cum laude*, 1990); New York University School of Law (J.D., 1993). Editor, Journal of International Law and Politics. *Member*: State Bar of New York; State Bar of New Jersey.

MICHELE C. JACKSON, born Redwood City, California, January 17, 1954; admitted to bar, 1979, California; United States Supreme Court; U.S. Court of Appeals, Ninth Circuit; U.S. Court of Appeals, Fifth Circuit; U.S. District Court, Northern District of California; U.S. District Court, Central District of California; 1988. *Education*: Stanford University (B.A., with honors, 1976); University of San Francisco School of Law (J.D., *cum laude*, 1979). Judicial extern to Hon. Wiley W. Manuel, California Supreme Court; Recipient of State Bar Board of Governors Award. *Member*: American Bar Association; State Bar of California; Bar Association of San Francisco; McAuliffe Law Honor Society. *Appointed*: Executive Committee Member, State Bar of California Antitrust and Unfair Competition Section (term beginning September 9, 2001).

ERIC B. FASTIFF, born San Francisco, California, March 22, 1968; admitted to bar, 1996, California; District of Columbia, 1997; U.S. Court of Appeals for the Ninth Circuit, U.S. District Courts for the Northern and Central Districts of California, District of Columbia; U.S. Court of Federal Claims. *Education*: Tufts University (B.A., *cum laude*, *magno cum honore in thesi*, 1990); London School of Economics (M.Sc. (Econ.), with distinction, 1991); Cornell Law School (J.D., 1995). Editor-in-Chief, Cornell International Law Journal. Law Clerk to Hon. James T. Turner, U.S. Court of Federal Claims, 1995-1996. *Author*: "The Proposed Hague Convention on the Recognition and Enforcement of Civil and Commercial Judgments: A Solution to Butch Reynolds's Jurisdiction and Enforcement Problems,"

28 Cornell International Law Journal 469 (1995). *Member:* State Bar of California; District of Columbia Bar Association; Bar Association of San Francisco; Bar of the U.S. Court of Federal Claims.

JONATHAN M. WATKINS, born Washington, D.C., December 22, 1963; admitted to bar, 1991, Pennsylvania; admitted to bar, 1998, California; U.S. District Court, Northern District, 1999; U.S. Court of Appeal, Ninth Circuit, 1999. *Education:* University of Oregon (B.S., 1986); Willamette University (J.D., 1991). Comments Editor, Willamette Law Review. Trial Attorney, U.S. Department of Justice, Civil Rights Division, Employment Litigation Section 1991-1994; Senior Trial Attorney, U.S. Department of Justice, Civil Rights Division, Criminal Section, 1994-1998. *Member:* State Bar of California; Bar Association of San Francisco; State Bar of Pennsylvania.

WENDY FLEISHMAN, born Philadelphia, Pennsylvania, 1954; admitted to bar, 1977, Pennsylvania; 1992, New York. *Education:* Sarah Lawrence College (B.A., 1974); University of Pennsylvania (Post-Baccalaureate Pre-Med, 1982); Temple University (J.D., 1977); Legal Intern, Summer, 1976, Philadelphia District Attorney's Office; Legal Intern, September 1974-April 1976, United States' Attorney's Office, Eastern District of Pennsylvania, Civil Division; Summer, 1975, Temple University School of Law, Rome, Italy, Comparative International Law Program. *Author:* 1999, Co-Author, Scientific Evidence, Chapter 6, *From the Defense Perspective*, Aspen Law Pub; American Bar Association, Editor, TRIAL TECHNIQUES NEWSLETTER, Tort and Insurance Practices Section, 1995-1996; and 1993-1994. *Member:* 2000, Affair Chair, ABA Annual Meeting, Torts & Insurance Practice Section, NYC; 2000, London TIPS, Faculty Development of Program on Comparative Trial Advocacy; 1999, Faculty, National Institute for Trial Advocacy, Trial Techniques, Rutgers Law School; 1999, Faculty, Trial of the 21st Century: The Visual Trial, Atlanta, ABA Annual Meeting; 1998-99, Chair, Practicing Law Institute, How to Commence a Civil Action, a Three Part, Twelve Hour Series; 1998, Chair, Women as Trial Advocates, New York, New York Two Day Presentation; 1997, Chair, Trial Techniques Committee, Tort & Insurance Practices, American Bar Association; 1996, Chair Elect, Trial Techniques Committee, Tort & Insurance Practices, American Bar Association; Faculty, Rutgers Law School, Intensive Trial Advocacy Program, May 1997; Faculty, National Institute for Trial Advocacy, Deposition Skills, Rutgers Law School, July, 1996; Faculty, National Institute for Trial Advocacy, Trial Techniques, Rutgers Law School, March, 1997; Faculty and Planning Committee, Practicing Law Institute, "First Annual Civil Litigation Institute," March, 1997; Faculty, National Institute for Trial Advocacy, Trial Techniques, Skadden, Arps, New York, Spring, 1996; Faculty, National Institute for Trial Advocacy, Trial Techniques, Rutgers Law School, February, 1996; Faculty, Mealey's Conference on Lead Liability, 1996; Practicing Law Institute, Products Liability Advisory Committee, 1993 - Present; Chair, Practicing Law Institute Program, "Tort Updates", Telecast September 21, 1995, to Seventy Satellite Cities; New York State Trial Lawyers Association, Faculty, "Proving a Design Defect", April, 1995; American Bar Association Torts and Insurance Practices Section, Trial Techniques Committee, Vice Chair, 1993-1994 and August, 1995-1996; Member, Gender and Race Bias Task Force of the Second Circuit, 1994-present; Deputy Counsel, Governor Cuomo's Screening Committee for New York State Judicial Candidates, 1993-1994; Faculty, Practicing Law Institute, "Proving the Slip and Fall Case," May, 1993; Faculty, Pennsylvania Bar Association, "Continuing Legal Education, Ethics: Attorney Solicitation and Advertising", Fall, 1992; Pennsylvania Bar Association, Committee on Legal Ethics and Professionalism, 1993-Present; Pennsylvania Bar Association, Committee on Attorney Advertising, 1993-Present; Vice-Chair of the Pennsylvania Bar Association Task Force on Attorney Advertising, 1991-1992; Member of Committee on Professionalism, Philadelphia Bar Association, 1991-1992; Faculty, and National Institute for Trial Advocacy, Temple University School of Law, 1991; Participant Faculty, Temple University School of Law Trial Advocacy Program, 1990-1992; Faculty, Pennsylvania Trial Lawyers Association, "Cross-Examination of Medical Experts in Multiple Plaintiffs' Toxic Tort Cases", July, 1990; Faculty, Philadelphia Bar Association, Trial Advocacy Program, 1990; Lecturer on Mammography and Medical Malpractice for the Mammography Society,

1989; Faculty, Philadelphia Trial Lawyers Association, "Use of Videotape in the Courtroom", 1989; Faculty, Temple University Trial Advocacy Program for Practitioners, "Proving Damages at Trial, 1989; American Bar Association, Pennsylvania Bar Association, New York State Bar Association, Federal Bar Association and New York Women's Bar Association. *Previous Employment:* Assistant District Attorney in Philadelphia, 1977-1984 (in charge of and tried major homicide and sex crime cases); Ballard Spahr Andrews & Ingersoll (associate), 1984-1988 (tried more than thirty jury trials on behalf of the defense and the plaintiffs in civil personal injury and tort actions as well as employment- and construction-related matters); Fox, Rothschild O'Brien & Frankel (partner), 1988-1993 (headed up the personal injury practice; tried more than thirty civil, criminal, employment and jury trials, and AAA arbitrations. Those cases included toxic tort, medical malpractice and serious injury cases -- wrongful deaths and brain damage due to various catastrophes); Skadden, Arps, Slate, Meagher & Flom LLP in New York (Counsel in the Mass Torts and Complex Litigation Department), 1993-2001.

RICHARD T. SEYMOUR, born Grand Rapids, Michigan, August 22, 1942; admitted to bar 1968, District of Columbia; 1969, U.S. Court of Appeals D.C. Circuit; 1971, U.S. Court of Appeals 4th Circuit, U.S. Court of Appeals Former 5th Circuit; 1972, U.S. Supreme Court; 1975, U.S. District Court for the Northern District of Mississippi; 1981, U.S. Court of Appeals Current 5th Circuit, U.S. Court of Appeals 11th Circuit; 1993, U.S. Court of Appeals 3rd Circuit, U.S. Court of Appeals 10th Circuit; 1994, U.S. District Court for the Northern District of New York; 1997, U.S. Court of Appeals 6th Circuit, U.S. Court of Appeals 9th Circuit, U.S. District Court for the Southern District of Texas. *Education:* Aquinas College (1965); Harvard Law School (1968); Law Students Civil Rights Research Council; Law Students Civil Rights Research Council National Board of Directors; Law Students Civil Rights Research Council Local Board of Directors; Law Students Civil Rights Research Council Intern, New Orleans, LA, Summer 1966. *Affiliations:* ABA Section of Labor and Employment Law, 1998-present, Member of Council; 1995-1998-present, Co-Chair CLE Committee; 1994-1995, Co-Chair Annual Meeting Subcommittee; 1991-1994, Co-Chair Equal Employment Opportunity Committee; 1988-1991, Co-Chair Subcommittee on Liaison with Department of Labor; 2000-2001, Council Task Force on Multidisciplinary Practice; 2000-2001, Council Task Force on Government Fellowship Program; 1997-1998, Council Task Force on Investments; 1998-2000, Council Task Force on Law Student Recruitment; 2000-Present, Council Liaison to Task Force on Judicial Law Clerk Education; 1998-Present, Council Liaison to the Alliance for Education in Dispute Resolution; Association of American Trial Lawyers; 1999-2000, Committee on the Courts; 1999-Present, Executive Committee of Employee Rights Division; 1991-1993, Adjunct Professor, Georgetown University Law Center, Graduate Program; College of Labor and Employment Lawyers, 1998-Present, Fellow, Governor; 1998-2000, Chair, Committee on Standards of Practice. *Author:* The Sixteen Summary-Judgment Commandments (Dec. 2000 Trial 28); Co-Author (with Barbara Berish Brown) Equal Employment Law Update (BNA), Summer 1996 edition, Spring 1997 edition, Fall 1997 edition, Spring 1998 edition, Fall 1998 edition, Spring 1999 edition, Fall 1999 edition; Roundtable and Dialogue on the Effects of *Ellerth* and *Faragher* (August 19, 1998 issue of BNA's Employment Discrimination Report); The Use of "Proof of Claim" Forms and Gag Orders in Employment Discrimination Class Actions (10 Conn. L. Rev. 920, 1978); Strategic Effects of the Weber Decision on Employers (Employment & Benefit Practices After Weber - Affirmative Action, Age & Sex, 1970; Reprinted in Federal Bar Association, Equal Employment Practice Guide, Vol. 1, Chapter 3, 1980); Affirmative Action by Public Employers Under the Terms of a Court Order (American Bar Association, National Institute on Affirmative Action, 1980); Post-Certification Problems in Class Actions (Practicing Law Institute Handbook, Federal Civil Rights Litigation, 1982); Why Plaintiffs' Counsel Challenge Tests, and How They Can Successfully Challenge the Theory of "Validity Generalization" (33 Journal of Vocational Behavior 331, 1988); Predictability in EEO Litigation, in Promoting Minorities and Women: A Practical Guide to Affirmative Action for the 1990s, A BNA Special Report (Bureau of National Affairs, 1989); The Loss of Predictability in EEO Litigation, and

Further Questions to be Resolved, in Employment Discrimination After the 1989 U.S. Supreme Court Rulings (Prentice Hall, 1989).

BILL LANN LEE, admitted to practice in California and New York, the Federal District courts of the Central and Northern Districts of California, the Courts of Appeal for the D.C., Second, Third, Fourth, Fifth, Sixth, Ninth and Eleventh Circuits, and the Supreme Court of the United States.

Education: Columbia Law School (J.D. 1974), Stone Scholar, Best Moot Court Brief Prize; Yale College (B.A. 1971), Phi Beta Kappa, *magna cum laude* in History. *Professional Affiliations:* Visiting Scholar, Columbia Law School, New York, NY (February 2001-October 2001). Assistant Attorney General for Civil Rights, United States Department of Justice, Washington D.C. (December 1997-January 2001); Western Regional Counsel, NAACP Legal Defense and Educational Fund, Inc., Los Angeles, CA (September 1988-December 1997); Supervising Attorney for Civil Rights Litigation, Center for Law in the Public Interest, Los Angeles, CA (January 1983-August 1988); Assistant Counsel, NAACP Legal Defense and Educational Fund, Inc. (June 1974-December 1982); Counsel, Asian American Legal Defense and Education Fund, New York, NY (1979-1980); Adjunct Professor of Political Science, Fordham University, New York, NY (1977-1980). *Selected Honors and Awards:* Honorary Doctorates in Law from City University of New York Law School (2001), North Carolina Central University (2000) and Wesleyan University (1999); John Randolph Distinguished Service Award, United States Department of Justice (2001); Pioneer Award, Organization of Chinese Americans (2000); Trailblazer Award, National Asian Pacific American Bar Association (1999), Judge Delbert E. Wong Distinguished Service Award, Southern California Chinese Lawyers Association (1998).

Publications: Symposium Addresses: "Reason, Passion & the Progress of Law: Remembering and Advancing the Constitutional Vision of Justice William T. Brennan," Dinner Address, 300 *Harvard Civil Rights-Civil Liberties Law Review* 321 (1998); Book Review, "In Search of Equality, The Chinese Struggle Against Discrimination in Nineteenth Century America" by Charles J. McClain, 21 *Amerasia Journal* 205 (1995); Editorial Consultant, California Employment Law, Division IV Equal Employment Opportunity (1989); "For Affirmative Action, Richmond Decision is a Detour, Not a Dead End," Op-ed, *Los Angeles Times*, Metro., p. 7, February 8, 1989 (with Jack Greenberg); "The Disparate Impact Model and Subjective Criteria in Employment Discrimination Litigation," *Labor & Employment Law News*, California State Bar Labor and Employment Law Section, Vol. 5, No. 1 (Spring 1986, p. 10) (with Pearl Lattaker); "A Right to An Integrated Education: A Survey," 14 *Urban Lawyer* 423 (1982), "Eliminating Barriers to Communications Between Class Action Counsel and Members in Actions Brought Pursuant to Rule 23, Federal Rules of Civil Procedure" (Report of the Committee on Civil Rights of the Association of the Bar of the City of New York 1980); "Racial Discrimination in the United States" (Helsinki Watch Committee 1980); "Yung Wing and the Americanization of China," 1 *Amerasia Journal* 25 (1971). *Member:* American Bar Association (1975-present), Co-Chair, Committee on Class Action and Derivative Suits, Litigation Section (1992-1994); Association of the Bar of the City of New York (1975-1983), Member, Civil Rights Committee (1979-1983); Los Angeles County Bar Association (1983-1997); Ninth Circuit Judicial Conference, Central District California Lawyer Representative (1990-1993); Southern California Chinese Lawyers Association (1988-1997), Member, Board of Governors (1988-1990).

JENIENE ANDREWS-MATTHEWS, born Los Angeles, California, August 9, 1968; admitted to bar 2001, California. *Education:* Mills College (B.A., *cum laude*, 1993); Northeastern University School of Law (J.D., 1996). *Employment:* Judicial Clerkship, U.S. District Court, District of Hawaii, Hon. Helen Gilmore (1998-1999); Staff Attorney, U.S. Court of Appeals, 9th Circuit (1996-1998); Motions Attorney, U.S. Court of Appeals, 9th Circuit (1999-2001); Taught Legal Research and Writing

at Hastings School of Law (1997-1998, 1999-2000). *Member:* Lawyers' Committee for Civil Rights of the San Francisco Bay Area; Bar Association of San Francisco; Charles Houston Bar Association.

LORI ERIN ANDRUS, born Baton Rouge, Louisiana, March 3, 1972; admitted to bar, 1999, California. *Education:* Boston University (M.S., *cum laude*, 1993); Duke University (J.D., *cum laude*, 1999). Dean's Advisory Council. *Member:* State Bar of California.

DANIEL E. BARENBAUM, born Boston, Massachusetts; admitted to bar, 2000, California; U.S. Court of Appeals for the Ninth Circuit, U.S. District Court for the Northern District of California. *Education:* Tufts University (B.A., 1994); Emory School of Law (J.D., 2000); Goizueta Business School, Emory University (M.B.A., 2000, Award: Most Outstanding Academic Accomplishment). *Author:* "Class Certification of Medical Monitoring Claims in Mass Tort Product Liability Litigation," ALI-ABA Course of Study (1999) (Co-Author). *Member:* State Bar of California; Bar Association of San Francisco.

KATHRYN E. BARNETT, born Chapel Hill, North Carolina, October 23, 1967; admitted to bar 1992, Tennessee; U.S. District Court, Middle District of Tennessee; U.S. 6th Circuit. *Education:* Davidson College (B.A., with Honors in Philosophy, 1989), Dean Rusk Grant for International Studies; Vanderbilt University School of Law (J.D., 1992); American Jurisprudence Awards: Torts I and Jurisprudence; Internship, U.S. District Court, Middle District of Tennessee, Judge John T. Nixon, Fall 1990. *Author:* "Limiting the Harmful Testimony of Experts on the Law," Trial, Jan. 2001; "Letting Focus Groups Work for You," Trial, April 1999; "Superior Deposition Strategies in Civil Trial Practice," National Business Institute, Jan. 2002; "How to Prepare for Mediation and Other Practice Tips," Nashville Bar Association, Oct. 2000; "Tennessee Expert Witness," Lorman Education Service, July 2000; "Litigating Against the Nursing Home Industry," Tennessee Trial Lawyers Mid-Winter Conference, Feb. 2000; "Using Focus Groups to Get the Settlement or Verdict Your Client Deserves," Tennessee Trial Lawyers Mid-Winter Conference, Feb. 1999. *Member:* Nashville Lawyer's Association for Women (Board, 1998-; Treasurer, 2000-2002); Harry Phillips American Inn of Courts (1997-1999); Davidson County, Tennessee Metropolitan Board of Equalization (2000-2002); Nashville Bar Association; Tennessee Bar Association; Tennessee Trial Lawyers; American Association of Trial Lawyers.

NICOLE Y. BRUMSTED, born Takoma Park, Maryland, March 3, 1956; admitted to bar 1999, Vermont; U.S. District Court, District of Vermont, 2000; U.S. Court of Appeals, Second Circuit, 2001. *Education:* University of Vermont (B.A., *summa cum laude*, Phi Beta Kappa, 1996); Boston University School of Law (J.D., *cum laude*, 1999). *Employment:* Judicial Clerkship, Magistrate Judge Jerome J. Niedermeier, U.S. District Court, District of Vermont, 1999-2000; Judicial Clerkship, Hon. J. Garvan Murtha, U.S. District Court, District of Vermont, 2000-2001.

CARYN BECKER, born Johannesburg, South Africa, January 10, 1973; admitted to bar, 1998, California; 1999, U.S. District Court, Northern District of California, U.S. District Court, Central District of California; U.S. Court of Appeals, Ninth Circuit. *Education:* University of California at Berkeley (B.A., with high honors, 1995); Duke Law School (J.D., with honors, 1998). Technical Editor, Law and Contemporary Problems; Article Editor, Duke Journal of Gender Law & Policy. Phi Beta Kappa. *Member:* American Bar Association; State Bar of California; Bar Association of San Francisco.

ARIANNE N. CALLENDER, born Washington, D.C., June 25, 1974; admitted to bar 2001, New York. *Education:* Florida Agricultural & Mechanical University (B.A., 1996); Harvard Law School (J.D., 1999); Environmental Law Review and Environmental Law Society; Harvard Legal Aid Bureau;

Kaufman Fellowship for Public Interest Service, 2000. Law Clerk to the Hon. Constance Baker Motley, U.S. District Court, Southern District of New York, 1999-2000.

STEPHEN H. CASSIDY, born Pittsburgh, Pennsylvania, May 14, 1964; admitted to bar, 1989, California; 1997, U.S. District Court, Northern District of California and U.S. Court of Appeals, Ninth Circuit. *Education*: Georgetown University (B.S.F.S., 1986); Hastings College of the Law (J.D., *magna cum laude*, 1989); Associate Managing Editor, Hastings International and Comparative Law Review, 1988-1989; Order of the Coif; Member, Thurston Society; Recipient, American Jurisprudence Awards for Real Property, Evidence and American Legal History. Law Clerk to U.S. Magistrate-Judge Joan S. Brennan (1989-1990); Motions Attorney, U.S. Court of Appeals, Ninth Circuit, (1992-1994, 1996-1997). *Author*: "The Newest Member of the Nuclear Club: Pakistan's Drive for a Nuclear Weapon's Capability," 12 Hastings Int'l & Comp. L. Rev. 679 (1989). *Member*: State Bar of California; Bar Association of San Francisco.

EVE H. CERVANTEZ, born Columbus, Ohio, December 2, 1963; admitted to bar 1993, California, Northern District of California, and Ninth Circuit; 1998, United States Supreme Court, and Southern District of California; 1999, Eastern District of California, and Central District of California. *Education*: Washington University (A.B., 1985); Harvard Law School (J.D., 1992); Harvard Law Review (1991, 1992); Judicial Clerkship to Honorable Charles A. Legge, Northern District of California (1992-93). *Member*: American Bar Association, Bar Association of San Francisco.

DANIEL P. CHIPLOCK, born Albany, New York; admitted to bar 2001, New York; U.S. District Court for the Southern District of New York, 2001. *Education*: Columbia University (B.A., *summa cum laude*, 1994); Stanford University Law School (J.D., 2000). Phi Beta Kappa; Article Review Board, Stanford Environmental Law Journal. Recipient: Keck Award for Public Service. *Member*: New York State Bar Association; U.S. District Court, Southern District of New York; U.S. District Court, Eastern District of New York.

PAULINA DO AMARAL, born New York, New York, February 1, 1966; admitted to bar, 1997, New York; 1998, California; 1999, U.S. Court of Appeals, Ninth Circuit. *Education*: University of Rochester (B.A., 1988); Hastings College of Law, University of California (J.D., 1996). Executive Editor, Hastings Constitutional Law Quarterly; National Moot Court Competition Team, 1995; Moot Court Executive Board. Law Clerk to Hon. Richard Alan Ensten, Chief Judge, U.S. District Court, Western District of Michigan, 1996-1998. *Member*: American Bar Association; Bar Association of San Francisco; American Trial Lawyers Association; Association of the Bar of the City of New York.

LYDIA ALIX FILLINGHAM, born Orange, New Jersey, September 25, 1958; admitted to bar, 1998, Washington, D.C. *Education*: Harvard University, (A.B. 1980); Stanford University (Ph.D., English Literature, 1989); Stanford Law School (J.D., 1996). *Employment*: Assistant Professor, English and Women's Studies, Harvard University, 1990-1994. Law Clerk to the Honorable Michael Boudin, Chief Judge, U.S. Court of Appeals for the First Circuit, 1997-1998. Executive Director, Lawyers for Children America, 2000-2001.

DAVID L. FIOL, born Bronx, New York, September 24, 1960; admitted to bar, 1989, New York; 1999, California; U.S. Supreme Court; U. S. Court of Appeals, Second, Sixth, and Ninth Circuits; U.S. District Court, District of New Jersey, 1988; U.S. District Court, Southern and Eastern Districts of New York, 1989; U.S. District Court, Northern District of California, 2000. *Education*: Cornell University (B.A., 1984); Harvard Law School (J.D., 1988). Legislative Research Bureau, Law School Council. *Member*: American Bar Association; San Francisco Trial Lawyers Association; Bar Association of San Francisco.

HEATHER A. FOSTER, born Washington, D.C., October 2, 1970; admitted to bar, 1996, California; U.S. District Court, Northern District of California, 1996. *Education*: Boston College (B.A., 1992); University of the Pacific, McGeorge School of Law (J.D., 1996). *Member*: Moot Court Honors Board, 1995-1996; Trial Advocacy Honors 1996. *Member*: American Bar Association (Litigation Section); California Bar Association; Bar Association of San Francisco; Association of Trial Lawyers of America; Phi Alpha Delta.

RACHEL GEMAN, born Northampton, Massachusetts, August 7, 1971; admitted to bar, 1998 New York; Southern and Eastern Districts of New York, 1999. *Education*: Harvard University (A.B. *cum laude* 1993). Columbia University School of Law (J.D. 1997). Stone Scholar. Equal Justice America Fellow. Human Rights Fellow. Editor, Columbia Journal of Law and Social Problems. Stone's Moot Court. Law Clerk to Hon. Constance Baker Motley, U.S. District Court, Southern District of New York, 1997-1998. *Member*: New York City Bar Association Labor and Employment Section, 2000-2002 Term; American Bar Association. *Author*: "Safeguarding Employee Rights in a Post-Union World: A New Conception of Employee Communities" (30 Colum. J. Law & Soc. Prob. No. 3, 1997); "Pinochet's Shadow Over NAFTA: Chile's Workers and Free Trade" (with Mark Hager) (International Labor Rights Fund, 1995).

HECTOR D. GERIBON, born Montevideo, Uruguay, November 5, 1966; admitted to bar, California, 1997, New Jersey and New York, 1999; 1997, U.S. District Court, District of New Jersey; 1999, U.S. Court of Appeals for the Ninth Circuit, U.S. District Courts for the Northern and Central Districts of California. *Education*: St. John's University, (B.S., Dean's List, 1988); Brooklyn Law School (J.D., 1996). Moot Court Honor Society; Recipient, American Jurisprudence Award for Health Law; Recipient, Edward V. Sparer Public Interest Law Fellowship. Law Clerk to Hon. Manuel L. Real, U.S. District Court, Central District of California, 1997-1998. Judicial extern to Hon. Peter C. Dorsey, Chief Judge, U.S. District Court, District of Connecticut, 1995. *Member*: New York State, City of New York, and American Bar Associations.

LEILA K. HILAL, born Ann Arbor, Michigan, 1969; admitted to bar, New York, 1998. *Education*: Evergreen State College (B.A., 1992); SUNY Buffalo School of Law (J.D., 1998); Harvard Law School (L.L.M., 1999). Submissions Editor, *Harvard Human Rights Journal*. Judicial Law Clerk, Constitutional Court of South Africa, 1999-2000. *Member*: New York State Bar Association.

JOYA A. KRUSE, born Buffalo, New York, February 24, 1955; admitted to bar, 1984, Washington, D.C.; 1989, California; U.S. Supreme Court; U.S. Courts of Appeals for the District of Columbia, Ninth, and Federal Circuits; U.S. District Courts for the Northern and Eastern Districts of California. *Education*: Wellesley College (B.A., 1977); Harvard Law School (J.D., 1984). *Employment*: Assistant Federal Public Defender, Northern District of California, 1992-1996. *Member*: Phi Beta Kappa; State Bar of California; Bar Association of San Francisco.

LISA J. LEEBOVE, born Detroit, Michigan, October 23, 1970; admitted to bar, 1996, California; 1997, U.S. District Court, Northern District of California; 1999, U.S. Court of Appeals, Ninth Circuit. *Education*: University of Arizona (B.A. *cum laude* 1992); Hastings College of the Law (J.D. *cum laude* 1996). *Member*: The Hastings Law Journal (1994-95), Associate Notes Editor: The Hastings Law Journal (1995-96). Judicial Extern to Honorable Susan Y. Illston, U.S. District Court, Northern District of California, 1996. *Member*: State Bar of California; Bar Association of San Francisco; American Bar Association.

CHRISTOPHER K. LEUNG, born Oakland, California, January 5, 1974; admitted to bar 2000, California. *Education*: University of California Berkeley (B.A., 1996); University of California,

Hastings College of the Law (J.D., 2000); Judicial Clerkship, U.S. District Court, Eastern District of California, Hon. Oliver W. Wanger, 2000-2001; Externship, U.S. District Court, Northern District of California, Hon. James Larson, Spring 2000. *Member*: California Bar Association.

JOHN R. LOW-BEER, born New York, New York, November 16, 1944; admitted to bar 1987, New York; U.S. District Court, Eastern and Southern Districts of New York; U.S. Court of Appeals, Second Circuit. *Education*: Brown University (B.A., *magna cum laude*, 1966); Harvard University (Ph.D. in Sociology, 1974); Yale Law School (J.D., 1985). *Member*: Phi Beta Kappa. Senior Editor, Yale Law Journal. *Author*: Protest and Participation (Cambridge University Press, 1978); "The Constitutional Imperative of Proportional Representation," 94 *Yale L.J.* (1984) (winner of the Michael Egger Prize for best note in vol. 94); "Perspectives on Social Inequalities," 84 *Yale L.J.*, 1591 (1975); and others. Law Clerk to Hon. Leonard Garth, Third Circuit, 1985-1986.

ENRIQUE MARTINEZ, born Guadalajara, Mexico, July 15, 1973; admitted to bar, 2000, California; U.S. District Court, Northern District of California, 2000. *Education*: Yale University (B.A., 1995); UCLA Law School (J.D., 1999). Moot Court Honors; Journal of International Legal & Foreign Affairs. *Member*: State Bar of California; Bar Association of San Francisco.

SCOTT P. NEALEY, born Champaign, Illinois, July 28, 1966; admitted to bar, 1997, California. 1998, U.S. District Court, Northern District of California; 1998, U.S. District Court, Eastern District of California; 1999, U.S. Court of Appeals, Ninth Circuit; 2000, U.S. District Court, Central District of California. *Education*: University of California at Berkeley (B.A., 1988); Boalt Hall School of Law, University of California (J.D., 1996). Law Clerk to Hon. Joseph R. Weisberger, Chief Justice of Supreme Court of Rhode Island, 1996-1997. *Member*: Bar Association of San Francisco; State Bar of California.

ALISTAIR E. NEWBERN, born Fayetteville, Arkansas, 1974; admitted to bar 2001, Tennessee. *Education*: Brown University (A.B. *magna cum laude*, Phi Beta Kappa, 1995); University of California Berkeley (J.D., 2000); California Law Review, Senior Notes and Comments Editor; Recipient, Thelen-Marrin Award for best published student article; American Bar Association Journal Ross Award for Student Writing. *Employment*: Judicial Clerkship, Hon. Martha Craig Daughtrey, U.S. Court of Appeals for the Sixth Circuit, 2000-2001; Judicial Extern to the Honorable Thelton E. Henderson, U.S. District Court for the Northern District of California (Summer 1998). *Author*: "Good Cop, Bad Cop: Federal Prosecution of State Legalized Medical Marijuana After U.S. v. Lopez," 88 California Law Review 1575 (2000).

EDWARD NOTARGIACOMO, born Providence, Rhode Island, October 9, 1967; admitted to bar, 1994, Massachusetts. *Education*: Brown University (B.A., 1989); Boston University School of Law (J.D., 1994). Joseph Tauro Scholar. *Member*: American Bar Association, Boston Bar Association, Massachusetts Bar Association.

MARY B. REITEN, born Petersburg, Virginia, November 13, 1968; admitted to bar 1998, Alaska; 1999, California; 1999, U.S. District Court, Northern District of California; 1999, 9th Circuit Court of Appeals. *Education*: University of California Berkeley (B.A., High Honors, 1991; President's Scholar, 1990); University of California Hastings College of the Law (J.D., Public Interest Scholar, 1998); Judicial Clerkship, Alaska Trial Courts, J. Larry Zervos, 1998-1999; Deputy Magistrate, Alaska Trial Courts, 1998-1999, Presiding Judge's Department Legal Research Attorney, San Francisco Superior Court, 1999-2001. *Author*: Co-Author, with David Jung, "Report: Civil Liability for Suicide Barriers," Public Law Research Institute, University of California Hastings College of Law, May 1998, published

on PLRI web site. *Member:* Alaska Bar Association (Inactive Member); California Bar Association; Bar Association of San Francisco; San Francisco County Pro Per Access Committee 2001-present.

ERIK L. SHAWN, born New York, New York, May 3, 1970; admitted to bar, 1996, New York. *Education:* Brandeis University (B.A., cum laude, 1992); Fordham University School of Law (J.D., 1995). *Member:* State Bar of New York.

AMANDA M. STEINER, admitted to practice in California, 1997; Washington, 1999. *Education:* Carleton College (B.A., 1991); University of California Berkeley (J.D., 1997); Article Editor, Berkeley Women's Law Journal, 1994-1997; Article Editor, Berkeley Journal of Employment and Labor Law, 1995-1996. *Employment:* Extern, Honorable Marilyn Hall Patel, Chief Judge, U.S. District Court for the Northern District of California, 1994. *Member:* American Bar Association, 1997-Present; Washington State Bar Association, 1999-2001; Washington State Trial Lawyers Association, 2000-2001

STEVEN M. TINDALL, born Columbia, South Carolina, April 12, 1968; admitted to bar, 1996, California; U.S. District Court, District of Colorado, 2001. *Education:* Yale University (B.A., *summa cum laude*, 1990); Boalt Hall School of Law, University of California at Berkeley (J.D., 1996). *Member,* Phi Beta Kappa, Yale. Moot Court; Co-Director of Workers' Rights Clinic, 1994. *Author:* "'Do as she says, not as she does': The Shortcoming of Justice O'Connor's Direct Evidence Requirement in Price Waterhouse v. Hopkins"; 17 Berkeley Journal of Employment and Labor Law, 332 (1996). Law Clerk to Hon. Judith N. Keep, Chief Judge, U.S. District Court, Southern District of California, 1996-1997; Hon. Claudia Wilken, U.S. District Court, Northern District of California, 1997-1998. *Member:* State Bar of California; Bar Association of San Francisco.

MATTHEW L. TUCCILLO, admitted to bar, 1999, Massachusetts. 2000 United States District Court, District of Massachusetts. *Education:* Wesleyan University (B.A., 1995); Georgetown University Law Center (J.D. 1999).

Heather Foster - Re: PI case update

From: Dolores Jenkin
To: Foster, Heather; Franco, Richard M.
Date: 11/13/01 9:43AM
Subject: Re: PI case update

It sounds like her husband developed large infected bed sores within a couple of days of knee surgery. She said he was a large man (57 yrs, tall) and the hospital made him stay in one position due to an anesthesia he received. Regardless, he developed these bedsores, went home, developed a bacterial infection that sounded systemic, (throughout the body) not just locally in his sores. She said it was days before the infection was diagnosed, he returned to the hospital for one month, was discharged and found dead at home within a day or two. He evidently had some type of heart problems, but was cleared for the knee surgery by a cardiologist. The doctor told her he died from heart trouble, but she feels this massive infection played a large role. She said, "If it wasn't for the surgery and massive bedsores/infection, he would still be alive." I think it is worth looking into.

>>> Heather Foster 11/13/01 09:35AM >>>
great, DJ, thanks. From speaking with Gloria do you feel that the second case "smells" any better?

>>> Dolores Jenkin 11/13/01 09:19AM >>>
Just to keep you posted.

Referrals from Bernard Hamill

Detroy Womack - I will do some research into this syndrome he says he was diagnosed with. I have spoken to JoAnne at Mr. Hamill's office, and she will get us the medical records to review for merit in this case.

Gloria Johnston - she called me yesterday, told to do so by Mr. Hamill, and gave me her side of the story regarding her deceased husband. She has all the medical records and is sending us a copy.